

**John A Cupps Associates**

June 6, 2006

Bobbie Garcia  
California Integrated Waste Management Board  
Permitting and Enforcement Division  
P.O. Box 4025 MS-16  
Sacramento, CA 95812-4025

Subject: Comments on Proposed AB 1497 Permit Implementation Regulations

Dear Ms. Garcia:

The purpose of this letter is to provide comments on the proposed AB 1497 Permit Implementation Regulations. Although the primary purpose of these proposed regulations is to implement the provisions of AB 1497, in light of the comments and proposed amendments detailed below, it is important to note that the scope of this proposed rulemaking is broader than that and includes proposed changes/additions to existing Board regulations beyond the scope of AB 1497.

One of the overarching purposes of this rulemaking is to provide greater transparency in the permitting/regulatory process. A key aspect of such transparency is the ability of persons that may be impacted by a potential change at a facility/operation to have a reasonable opportunity to first know that such changes may be occurring. The proposed regulations include a number of new and modified notice provisions, including in particular, the extension of notice requirements to the RFI amendment process. As a practical matter, most RFI amendments are likely to include relatively modest changes to facility and it therefore may not be necessary or desirable to extend the rather broad notice requirements to such amendments. At a minimum, however, notice of RFI Amendments should be required to those persons who have specifically requested such in writing to the LEA.

In contrast to the relatively modest changes which can occur at a facility through an RFI amendment, much more substantial changes could occur at a site through the mechanism of an LEA Notification tier “permit” without any public notification whatsoever. For example, assuming that the operations were kept separate, an existing site could add a C& D wood chipping and grinding operation handling less than 200 tons per day and/or a green waste composting operation with up to 12,500 cubic yards of material onsite to an existing site without any public notice whatsoever. At a minimum, LEAs should be required to provide notice of such changes to any person having requested such notification in writing.

Specifically, Section 18103.2 of the existing regulations should be amended to read:

**18103.2 Record Keeping Requirements.**

The enforcement agency shall retain the notification received pursuant to section

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18103.1 which shall be publicly available during normal business hours. The enforcement agency shall forward a copy of the notification to the board within five days of receipt. The enforcement agency shall retain a copy of the notification for a minimum of one year after the facility is known to have ceased operations. The EA shall mail written notice of such notification to every person who has submitted a written request for such notice.

Please do not hesitate to contact me if you need any further explanation of these comments.

Regards,

John A. Cupps